

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00279

JERRY LEE ADKINS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On June 23, 2020, the United States of America appeared by Nowles Heinrich, Assistant United States Attorney, and the defendant, Jerry Lee Adkins, appeared in person and by his counsel, Roger L. Lambert, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Mark Ruscello. The defendant commenced a six-year (6) term of supervised release in this action on January 25, 2018, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on February 24, 2005.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on January 5, 2020, the defendant committed the state offenses of aggravated DUI, driving revoked DUI, possession with intent to deliver marijuana, and obstruction of justice; (2) the defendant used and possessed controlled substances as evidenced by the fact that on November 9, 2018, he submitted a positive urine sample for marijuana and admitted that he consumed "hash brownies" on or about November 7, 2018; (3) the defendant, contrary to the special condition of prohibition respecting alcohol, used and possessed alcoholic beverages in that on January 5, 2020, his blood alcohol level was found to be 0.221, 0.17 on January 10, 2020, and 0.13 on January 14, 2020; and (4) the defendant failed to participate in individual substance abuse treatment twice monthly as directed by the probation officer on January 30, 2018, in that he missed individual substance abuse counseling sessions on February 1, March 8, July 2, September 5, September 11, 2018, May 22, October 14, 2019, both sessions in November 2019, and on December 19, 2019, and January 13, 2020; all as set forth in

the petition on supervised release and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

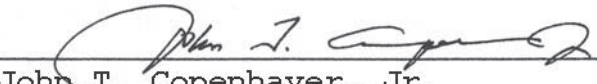
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of five (5) years of supervised release upon the same terms and standard conditions as heretofore and the special condition that he participate in and successfully complete a six to twelve month residential drug treatment program such as Recovery "U," as designated by the probation officer, where the defendant shall follow the rules

and regulations of the facility, and that he commence the program by proceeding directly from his place of incarceration to the residential program.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 25, 2020

  
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John T. Copenhaver, Jr.  
Senior United States District Judge